

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER TAVAI,

Plaintiff,

v.

CLARK DICKSON,

Defendant.

No. 17-658

COMPLAINT

JURY DEMAND

INTRODUCTION

On January 3, 2015, Seattle Police Officer Clark Dickson punched Christopher Tavai. Seattle's Office of Police Accountability found that Dickson used excessive force and Dickson was disciplined by the Department. Tavai now seeks compensation for the injuries and suffering that resulted from Dickson's punches.

JURISDICTION AND VENUE

1. This Court has original jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction).

2. Venue is appropriate under 28 U.S.C. § 1391(b), because all of the events and omissions giving rise to the claims occurred in this District. The Seattle Division is the proper forum because the events took place in King County, Washington.

PARTIES

3. Plaintiff Christopher Tavai is a resident of Pierce County, Washington.

4. Defendant Clark Dickson is an officer in the Seattle Police Department. He is sued in his individual capacity.

FACTS

5. On January 3, 2015, Seattle Police Officers were checking for warrants in an area known to be inhabited by individuals without housing.

6. Christopher Tavai was sleeping in a car and officers requested that Tavai exit the vehicle. He did so.

7. Officers requested that Tavai provide them with his name and he did so.

8. Tavai was questioned by Officer Dickson.

9. Tavai spat on the ground.

10. Dickson demanded that Tavai not spit.

11. Tavai spat on the ground again.

12. Dickson punched Tavai on the side of the head.

13. Dickson punched Tavai out of ill will toward Tavai and/or to injure Tavai.

14. Even if Tavai had spat at Dickson, Dickson's actions were contrary to Dickson's training, which instructed Dickson to use less force where a detainee spits.

15. Tavai was taken to the ground.

16. While Tavai was face down on the ground, Dickson punched Tavai two more times.

1 17. Fire Department medics were called to examine Tavai's injuries.

2 18. When video of Dickson's actions were reviewed by his supervisor, Captain
3 Proudfoot, Proudfoot referred the incident to the Office of Police Accountability because he
4 was concerned that "Officer Dickson's level of force appears to be out of proportion to the
5 threat presented by Tavai."

6 19. After making this complaint, Captain Proudfoot was demoted.

7 20. OPA entered a finding that Dickson's actions violated Seattle's policies on use
8 of force.

9 21. As a result of his use of force against Tavai, Dickson was suspended for 1 day
10 without pay and ordered to take further training on use of force.

11
12 **CAUSES OF ACTION**

13 **COUNT 1: 42 U.S.C. § 1983**

14 *(Violation of the Fourth and Fourteenth Amendments)*

15 22. Tavai did not pose a threat to Officer Dickson.

16 23. The only reason to detain Tavai was to check on warrants. Tavai provided his
17 name and no warrants were found.

18 24. No significant use of force against Tavai was justified.

19 25. Defendant's punches against Tavai, the first of which was premeditated,
20 violated Tavai's right to be free of excessive force, unreasonable searches and seizures, and his
21 due process right to be free of punishment without process. These actions were taken under
22 color of law and without lawful justification.

23 26. As a result of Officer Dickson's actions, Tavai endured physical injuries and pain
24 and suffering.

REQUEST FOR RELIEF

Plaintiff seeks judgment against Defendant as follows:

- A. Damages in an amount to be determined by jury;
- B. Punitive damages in an amount to be determined by a jury;
- C. Costs of suit, including reasonable attorneys' fees, costs, and expenses as provided by law; and
- D. Such other, further, and different relief as the nature of the case may require or as may be determined to be just, equitable, and proper by this Court.

DATED April 26, 2017.

LAW OFFICE OF HARRY WILLIAMS LLC.

By s/ Harry Williams IV

Harry Williams IV, WSBA #41020

harry@harrywilliamslaw.com.

707 East Harrison

Seattle, WA 98102

Telephone: 206.769.1772

Attorney for Plaintiff